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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,562	02/08/2006	Yosuke Haruna	HARU3003/JC/PMB	6636
23364 7590 04/06/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
WATSON, ROBERT C				
ART UNIT		PAPER NUMBER		
3723				
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04/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,562

Applicant(s)

HARUNA, YOSUKE

Examiner

Robert C. Watson

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 10-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley in view of Rabe and Yonezawa et al ('266).

Hartley shows a clamping apparatus having a central pillar 5 having an inclined outer surface, an annular intermediate member 2 having a straight outer surface and an inclined inner surface, and a pull member 7,4,1 connected to the annular intermediate member 2 substantially at all times.

Hartley has some relative movement between the several assembled parts of the pull member (eg., 7, 4, 1, 2) and the intermediate member. However, Rabe teaches at Figure 5 that there is no relative axial movement between parts 17, 16 and intermediate and 18. In view of the teachings of Rabe it would have been obvious to provide an integral construction between members 7, 4, 1, and 2 such that there is no relative axial movement between these members. One skilled in the art would have been motivated to do this in order to simplify the construction of the clamping apparatus. Alternatively, instead of the Rabe teaching the examiner takes Official Notice that component construction and integral construction are well know assembly techniques. It would be obvious for one skilled in the art to select either component or integral construction commensurate with the such factors as simplifying construction, making construction cheaply, and adding strength to the construction.

Yonezawa ('266) teaches that it is desirable to provide fluid flow to the outer surface of the intermediate member 23 by means of a variety of fluid passage 42 50, 52, 53, 56, 57.

To provide a fluid flow to any surface that contacts another surface such as the outer surface of the intermediate member 15 of Harley would have been obvious in view of the broad teachings of Yonezawa ('266). To accomplish this it would have been obvious for one skilled in the art to provide such fluid communications holes anywhere through any structure to communicate with the a desired surface such as the outer surface of the intermediate member 15. For example one skilled in the art could obviously provide the necessary communication hole by means of a hole through the intermediate member that would communicate with groove 65 adjacent the inside of the intermediate member in order that fluid flow would flow to the outer surface of the intermediate member. One skilled in the art would have been motivated to do this in order to clean all moveable mating surfaces to enhance precision. The details of achieving the fluid flow whereby fluid holes are constructed in any moveable member of the clamp supra is considered to be an obvious application of the general teaching of Yonezawa ('266). Since the central pillar in Yonezawa projects from a reference surface, it would similarly be obvious to project the central pillar of Harley from some reference surface in order to provide stability and a support for the pillar. Given the broad teachings of Yonezawa et al, of providing a fluid hole to a surface for cleaning that surface it would have be obvious for one skilled in the art to provide fluid holes anywhere to reach a surface that one wishes to clean. One skilled in the art would not

be somehow confounded at the prospect of directing a fluid hole to a surface that needs cleaning because this is well within the skill of one versed in this art.

Claims 2-5 and 10-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/17/07.

Applicant's remarks have been given careful consideration. With respect to the teaching of integral construction of the device shown in Figure 8 of Rabe, applicant argues that this is not a pull member and not equivalent to a pull member. Apparently applicant has an overly narrow definition of what the term pull member means. Since tapered portion 18 of the device shown in Figure 8 of Rabe is pulled to and from engagement with its mating tapered surface then the device shown in Figure 8 of Rabe may broadly be termed a pull member. Applicant then argues that there is some relative movement between components in Rabe. Applicant is looking at some other structure in Rabe other than the structure shown in Figure 8 of Rabe that is not part of the rejection. The examiner is only stating that parts 16, 17, and 18 in Figure 8 do not move relative to each other and therefor teach integral construction. Applicant failed to address this and focused rather than other parts of Rabe that are not part of the rejection. Further, even without the Rabe teaching, integral construction as opposed to component construction are both well known manufacturing assembly expedients and to choose either or interchange one for the other is too well know and obvious that a secondary teaching reference is not required. The broad teaching of using a blow hole for cleaning purposes is broadly taught by Yonezawa. The exact placement of

the hole is no more than an obvious matter of design choice and one skilled in the art would obviously place a hole or holes where needed to clean the surface that is desired to be cleaned. This is certainly not something that would confound one skilled in the art and the suggestion by applicant that one skilled in the art could not do this is found to not take proper account the level of skill of one skilled in the art. Also, one skilled in the art would not place a blow hole in a position that would render the device inoperative. The suggestion that one skilled in the art would place a blow hole so as to make the device inoperative again fails to take into account the level of skill of one skilled in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert C. Watson/

Primary Examiner, Art Unit 3723

rcw